

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TYLER STANLEY,

Plaintiff,

v.

A. KEVIN CARR, et al.,

Defendants.

ORDER

Case No. 19-cv-109-wmc

Plaintiff Tyler Stanley has filed a proposed civil complaint and requests leave to proceed without prepaying the filing fee. (Dkt. #4.) However, Stanley most recently submitted a filing suggesting that this lawsuit was opened in error. If that is the case, Stanley should submit a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a), which will cause the clerk of court to close this case without charging Stanley the applicable filing fee.

If Stanley does not voluntarily dismiss this lawsuit, I need to evaluate plaintiff's request to proceed with prepayment of the filing fee. To do so, I have reviewed a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint that he filed in case no. 19-cv-132-wmc (dkt. #13). 28 U.S.C. § 1915(a)(2). Using information for the relevant time period from plaintiff's trust fund account statement, I calculate plaintiff's initial partial filing fee to be \$2.47. Thus, if plaintiff wishes to proceed, rather than voluntarily dismiss, this lawsuit, he must submit this amount on or before April 5, 2019.

ORDER

IT IS ORDERED that plaintiff Tyler Stanley may have until April 5, 2019 to either file a notice of voluntary dismissal or submit a check or money order made payable to the clerk of court in the amount of \$2.47 as an initial partial fee for filing this case. If, by April 5, 2019, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 18th day of March, 2019.

BY THE COURT:

/s/
PETER OPENEER
Magistrate Judge